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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,887	08/01/2003	Joanne L. Clowes	MS1-1367US	3041

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EXAMINER	
HOFFMAN, BRANDON S	
ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,887	CLOWES, JOANNE L.	
	Examiner	Art Unit	
	BRANDON S. HOFFMAN	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-15,27,28,30-33,36 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-15,27,28,30-33,36 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7, 10-15, 27, 28, 30-33, 36, and 37 are currently pending in this office action, claims 8, 34, and 35 are canceled.

2. Applicant's arguments, filed February 5, 2008, have been considered but are moot in view of the new ground of rejection.

Claim Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7, 10-15, 27, 28, 30-33, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitten et al. (U.S. Patent Pub. No. 2003/0182574) in view of Langer (U.S. Patent No. 2007/0277037).

Regarding claim 1, Whitten et al. teaches an apparatus comprising:

- One or more processors (fig. 2, ref. num 200);
- Memory (fig. 2, ref. num 208);
- A media including game content that includes at least an executable file and a data file**, the data file including content for use by the executable file during run-time execution of the executable file** (fig. 1, ref. num 108 and paragraph 0064); and
- A data protection portion including a file system alteration checking portion, stored in the memory and executable on one or more processors, that protects the apparatus from modification of the game content by determining whether the game content has been modified (fig. 5-7),
    - Wherein the data protection portion includes a file signature checking portion for checking whether a file signature of the data file is as expected for media that has not been modified (fig. 7),
    - The file signature checking portion being called during execution of the executable file and after the executable file initiates access of the data file (paragraph 0060, 0062, 0064), and
- If the game content has been modified, then the use of the **data file** within the apparatus fails (paragraph 0009, 0011).

Whitten et al. does not teach the file signature portion being called **during run-time**.

Langer teaches the file signature portion being called **during run-time** (paragraph 0038).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the file signature portion being called during run-time, as taught by Langer, with the apparatus of Whitten et al. It would have been obvious for such modifications because to verifying the signature of a component at run-time allows both the non-modification and the signing by a valid signing authority can be determined with a high level of confidence.

Regarding claim 2, Whitten et al. as modified by Langer teaches wherein the media includes a removable media that is removable from the apparatus (see paragraph 0027 of Whitten et al.).

Regarding claim 3, Whitten et al. as modified by Langer teaches wherein the removable media includes an optical disk (see paragraph 0007 of Whitten et al.).

Regarding claim 4, Whitten et al. as modified by Langer teaches wherein the removable media includes a digital video disk (see paragraph 0027 of Whitten et al.).

Regarding claim 5, Whitten et al. as modified by Langer teaches wherein the apparatus includes a game console (see paragraph 0027 of Whitten et al.).

Regarding claim 6, Whitten et al. as modified by Langer teaches wherein the data protection portion includes a media type checking portion for checking whether **a** type of the media is as expected for media that has not been copied (see paragraph 0051 of Whitten et al.).

Regarding claim 7, Whitten et al. as modified by Langer teaches wherein the media type checking portion reduces the possibility of copying the game content from a pressed disk to an end user writable disk (see paragraph 0058 of Whitten et al.).

Regarding claim 10, Whitten et al. as modified by Langer teaches wherein a signature check is performed on files as they are accessed (see paragraph 0062 of Whitten et al.).

Regarding claim 11, Whitten et al. as modified by Langer teaches wherein the data protection portion checks the contents of a file as it is opened (see paragraph 0063 of Whitten et al.).

Regarding claim 12, Whitten et al. as modified by Langer teaches wherein the file system alteration checking portion allows sector level validation rather than file level validation (see paragraph 0062 of Whitten et al.).

Regarding claim 13, Whitten et al. as modified by Langer teaches wherein the game content is stored in a game console specific format (see paragraph 0025, 0027 of Whitten et al.).

Regarding claim 14, Whitten et al. as modified by Langer teaches wherein the media content includes non-game content (see paragraph 0032-0035 of Whitten et al.).

Regarding claim 15, Whitten et al. as modified by Langer teaches wherein the non-game content is stored in a non-game console specific format (see paragraph 0032-0035 of Whitten et al.).

Regarding claim 27, Whitten et al. teaches a method comprising:

- Providing a media comprising media content, wherein the media content comprises at least one of game content and non-game content, which includes at least an executable file and a data file (fig. 1, ref. num 108, paragraph 0027, and paragraph 0064);
- Examining the data file for modifications (fig. 4-7), the examining comprising:
    - Comparing an actual signature of the data file with an expected signature of the data file, the comparing initiated during execution of **the** executable file and after the executable file initiates access of the data file (fig. 5, ref. num 438, fig. 6, ref. num 440, and fig. 7, ref. num 450-456); and

- Enabling access to the data file based on the examining (fig. 7, ref. num 462).

Whitten et al. does not teach the comparing initiated during **run-time** execution.

Langer teaches the comparing initiated during **run-time** execution (paragraph 0038).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine comparing initiated during run-time execution, as taught by Langer, with the method of Whitten et al. It would have been obvious for such modifications because to verifying the signature of a component at run-time allows both the non-modification and the signing by a valid signing authority can be determined with a high level of confidence.

Regarding claim 28, Whitten et al. as modified by Langer teaches wherein the media content **including** game content is stored in a modified Universal Disk Format (UDF), the game content within the media content is stored in a different format and the modified UDF references location of the game content on the media (see paragraph 0027, DVD format uses UDF of Whitten et al.).

Regarding claim 30, Whitten et al. as modified by Langer teaches wherein the media content includes non-game content and game content, and wherein the non-game content may be accessed by either a game console or a non-game console (see paragraph 0027 of Whitten et al.).

Regarding claim 31, Whitten et al. as modified by Langer teaches wherein the comparing further comprises:

- Checking an actual signature of **the** executable file in the media content with an expected signature of the executable file (see fig. 5, ref. num 438 and fig. 6, ref. num 440 of Whitten et al.); and
- Confirming an actual signature of a cluster of sectors in the media containing the media content with an expected signature of the clusters of sectors (see fig. 7, ref. num 452-456 of Whitten et al.).

Regarding claim 32, Whitten et al. teaches a computer storage media comprising computer-readable instructions for implementing the computerized method of:

- Verifying whether a provided media comprising media content conforms to a stored media type definition**, the media content including content for use by an executable file during run-time execution of the executable file** (fig. 5, ref. num 428, 430 and paragraph 0064);
- Examining the media content based on an actual and an expected signature of the media content, the examining initiated during execution of **the** executable file

and after the executable file initiates access of the media content (fig. 5, ref. num 438, fig. 6, ref. num 440, and fig. 7, ref. num 450-456); and

- Accessing the media content of the provided media if the provided media conforms to the stored media type definition and if the actual signature of the content matches the expected signature of the content (fig. 7, ref. num 462).

Whitten et al. does not teach the examining performed during **run-time** execution.

Langer teaches the examining performed during **run-time** execution (paragraph 0038).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine examining performing during run-time execution, as taught by Langer, with the media of Whitten et al. It would have been obvious for such modifications because to verifying the signature of a component at run-time allows both the non-modification and the signing by a valid signing authority can be determined with a high level of confidence.

Regarding claim 33, Whitten et al. as modified by Langer teaches wherein the examining further comprises:

- Identifying a cluster of sectors of the provided media containing **the** media content (see fig. 7, ref. num 452 of Whitten et al.); and
- Comparing an actual signature for the cluster of sectors with an expected signature for the cluster of sectors (see fig. 7, ref. num 454 of Whitten et al.).

Regarding claim 36, Whitten et al. teaches a computer storage media comprising computer-readable instruction for implementing the computerized method of:

- Verifying authenticity of a provided media based on media type definition stored in game console executable files in the provided media (fig. 6, ref. num 442);
- Matching actual signatures of the game console executable files with expected signatures of the game console executable files if the authenticity of the provided media is verified (fig. 5, ref. num 438 and fig. 6, ref. num 440);
- Executing the game console executable files if the actual signatures match the expected signatures (fig. 7, ref. num 450);
- Requesting game content data files to be loaded by the game console executing files and during execution thereof**, the game content data files including content for use by the game console executable files** (fig. 7, ref. num 452 and paragraph 0064);
- Comparing actual signatures of the game content data files with expected signatures of the game content data files before the game content data files are loaded (fig. 7, ref. num 454-456); and

- Launching game content on the provided media if the actual signatures of the game content data files match the expected signatures of the game content data files (fig. 7, ref. num 462).

Whitten et al. does not teach loading game content during **run-time** execution thereof.

Langer teaches loading game content during **run-time** execution thereof (paragraph 0038).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine loading game content during run-time execution thereof, as taught by Langer, with the media of Whitten et al. It would have been obvious for such modifications because to verifying the signature of a component at run-time allows both the non-modification and the signing by a valid signing authority can be determined with a high level of confidence.

Regarding claim 37, Whitten et al. as modified by Langer teaches wherein the comparing comprises checking whether actual signatures of clusters of sectors containing the game content data files match expected signatures of the clusters of sectors (see fig. 7, ref. num 452-456 of Whitten et al.).

Response to Arguments

6. Applicant's arguments are moot in view of the new ground of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/
Examiner, Art Unit 2136

/Nasser G Moazzami/
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